

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In this Amendment, claims 1-7 have been amended to better define the invention. No claims have been canceled, and no claims have been added. No new matter has been added.

### Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 3, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0039944 by Ali, (“Ali”) in view of U.S. Patent No. 4,758,208 by Bartos (“Bartos”). Applicants reserve the right to swear behind Ali.

Claim 1 reads as follows,

1. A two-arm belt tensioner for a belt drive, comprising: a fixed portion, designed to be fixed to a supporting structure; a first arm and a second arm, carried by said fixed portion and hinged thereto about a common axis; a first pulley and a second pulley, mounted idle on respective ends of said arms and designed to co-operate with respective branches of a belt of said drive; and elastic means, which force said arms towards one another to maintain said pulleys in contact with said respective branches of the belt, **said arms comprising respective first arrest elements, which are designed to interact with said fixed portion to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt**, said fixed portion comprising a base plate, a pin fixed to said plate and defining said common axis of rotation of the two arms, **said belt tensioner being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms.**

(Emphasis added).

The Examiner has acknowledged that Ali does not teach “said arms comprising respective first arrest elements, which are designed to interact with said fixed portion to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest elements, which are designed to interact with said fixed portion

to define respective second positions of end-of-travel of said arms under the action of the pull of said belt,” as recited in claim 1. (Office Action, 07/14/2009, page 4). The Examiner also acknowledges that Ali fails to teach “said belt tensioner being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms,” as recited in claim 1. (Id.). However, the Examiner states that Bartos teaches the-above mentioned features and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual pulley tensioner in Ali with the pawl mechanism in Bartos. (Office Action, 07/14/2009, pages 4-7).

Applicants respectfully disagree with the Examiner’s interpretation of the cited references and submits that one of ordinary skill in the art would not have reason nor be motivated to combine Ali and Bartos. Ali discloses a belt tensioner having two arms that are rotatable relative to the mounting base, but not rotatable relative to each other. (Ali, paragraph [0045] and Figure 1). The two arms in Ali’s belt tensioner do not have any defined stop positions and they are biased toward each other because of the force imparted to them by the resilient member 38. (Id.). Bartos discloses a two-arm tensioner, each of which (30, 32) has a plurality of respective detent teeth (46, 48), and a hinged locking pawl (50) having an upper claw (52) and a lower claw (54), which are designed to mesh with either teeth 46 of the first arm (30), in a first position of the hinged locking pawl (see Figure 1), or with teeth 48 of the second arm 32 in a second position of the hinged locking pawl (see Figure 2). As shown, Bartos teaches a rotatable locking pawl (50) configured to interact with one of the arms at a time to block it in a stop position. (Bartos, Figures 1 and 2). Ali does not teach or suggest modifying his stop positionless tensioner to add any defined stop positions, nor does Bartos teach or suggest modifying his two-arm tensioner to get rid of the stop positions. As a matter

of fact, the rotatable locking pawl (50) is an essential feature of the teaching of Bartos. Furthermore, one of ordinary skill in the art, having the teaching of Ali (a tensioner without any defined stop positions), in view of the teaching of Bartos (a tensioner with defined stop positions), would not have reason nor be motivated to modify Ali's stop positionless tensioner to add any defined stop positions.

It would be impermissible hindsight based on applicants' own disclosure to combine Ali and Bartos.

Even if Ali and Bartos were combined, the combination would lack at least a limitation of claim 1. As the Examiner has acknowledged, Ali fails to teach a belt tensioner with any arrest elements or appendage. As to Bartos, as shown in Figure 1, the locking pawl (50) includes two parts: an upper claw 52 and a lower claw 54, and it is rotatable relative to the mounting bracket 22. (Bartos, col. 3, line 68 to col. 4, line 3). Therefore, both Ali and Bartos fail to teach or suggest "said belt tensioner being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms," as set forth in claim 1.

Furthermore, it is submitted that the two pairs of adjacent teeth (46, 48) in Bartos do not teach or suggest the features of the "first arrest elements" and the "second arrest elements" as set forth in claim 1, because the "first arrest elements" and the "second arrest elements" define respective first and second stop positions for each of the arms. As it is clear to one of ordinary skill in the art, two adjacent teeth (46, 48) meshing with one of the claws (52, 54) of the locking pawl (50) would completely block the arm in a single position and thus cannot define two ends of travel positions for each of the arms in the direction of the spring force and the belt pull, respectively. In contrast, claim 1 recites "said arms (23, 24) comprising respective first arrest elements (37, 47), which are designed to interact with said

fixed portion (21) to define respective first positions of arrest of said arms (23, 24) under the action of said elastic means (27), and respective second arrest elements (38, 39; 48, 49), which are designed to interact with said fixed portion (21) to define respective second positions of end-of-travel of said arms (23, 24) under the action of the pull of said belt (15).”

For at least the reasons stated above, it is respectfully submitted that claim 1 is patentable over the combination of the cited references.

Similar to the reasons stated with respect to claim 1, applicants submit that claim 6 is patentable over the combination of the cited references because one of ordinary skill in the art would not have reason nor be motivated to modify the teaching of Ali in view of the teaching of Bartos, and even if Ali and Bartos were combined, the combination of the cited references fail to teach all of the features of the claim. In particular, neither Ali nor Bartos teach or suggest “said arms comprising respective first arrest elements, which are designed to interact with said fixed portion to define respective first positions of arrest of said arms under the action of said elastic means; and respective second arrest elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt; said fixed portion comprising a base plate, a pin fixed to said plate and defining said common axis of rotation of the two arms, said belt drive being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms,” as recited in claim 6.

Claims 2, 3, and 7 directly or indirectly depend from claims 1 and 6, and incorporate all of the features therein. At least for the reasons stated with respect to claims 1 and 6, applicants submit that claims 2, 3, and 7 are patentable over the combination of the cited references.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ali in view of Bartos, and further in view of U.S. Patent No. 6,689,001 by Oliver ("Oliver"). Claims 4 and 5 directly depend from claim 1 and incorporate all of the features therein. As discussed above, Ali and Bartos fail to teach or suggest all of the features of claim 1. Oliver discloses a tensioner for an endless power transmission belt. (Oliver, Abstract). Oliver fails to cure the deficiencies of Ali and Bartos. Accordingly, applicants submit that claims 4 and 5 are patentable over the combination of the cited references.

### CONCLUSION

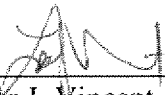
Applicants respectfully submit that in view of the arguments set forth herein, the applicable objections and rejections have been overcome. Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: December 14, 2009

  
\_\_\_\_\_  
Lester J. Vincent  
Reg. No. 31,460

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300